

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN BENNETT,

Plaintiff,

vs.

**Case No.: 2:14-cv-1450
JUDGE SMITH
Magistrate Judge Deavers**

GARY C. MOHR, *et al.*,

Defendants.

ORDER

On December 16, 2014 and February 24, 2015, the United States Magistrate Judge issued two separate Reports and Recommendations. In the December 16, 2014 Report and Recommendation, the Magistrate Judge recommended that Plaintiff's October 24, 2014 motion for declaratory and injunctive relief (doc. 12) and motion for a civil protection order (doc. 13) be denied. (*See Report and Recommendation*, Doc. 29). In the February 24, 2015 Report and Recommendation, the Magistrate Judge recommended that Defendant Warden Bunting's December 3, 2015 motion to dismiss be denied. (*See Report and Recommendation*, Doc. 36).

The parties were advised of their right to object to the Reports and Recommendations. This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's Report and Recommendation. (*See* Doc. 31). And, Defendant Warden Bunting's Objections to the Magistrate Judge's Report and Recommendation. (*See* Doc. 41). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

I. December 16, 2014 Report and Recommendation

Plaintiff's objections present the same issues presented to and considered by the Magistrate Judge in the Report and Recommendation. Plaintiff specifically references the exhibits to his Complaint in support of his argument, but he has not offered anything new for consideration. Plaintiff has failed to establish the elements of a preliminary injunction. Therefore, for the reasons stated in the Report and Recommendation, this Court finds that Plaintiff's objections are without merit and are hereby overruled.

II. February 24, 2015 Report and Recommendation

Defendant Warden Bunting objects to the Magistrate Judge's conclusion that Plaintiff sufficiently stated a "claim that the warden implicitly authorized or acquiesced in the unconstitutional conduct" because the warden may have been "alerted to what appears to be an ongoing problem with the library." (Doc. 36, Report and Recommendation at 7-8). Defendant Bunting argues that the Magistrate Judge's findings are clearly erroneous and contrary to law because they are not supported by any facts. Specifically, the Magistrate Judge referenced 12 Disposition of Grievance forms noting that each was forwarded to the warden. However, Defendant Bunting argues that this only shows that he may have received notice of violation of certain administrative rules, not that he received sufficient notice of constitutional violations. (Doc. 41, Def.'s Obj. at 3). However, the Court finds that Defendant's objections contain arguments that were already presented to and considered by the Magistrate Judge in the Report and Recommendation. Therefore, for the reasons stated in the Report and Recommendation, this Court finds that Defendant's objections are without merit and are hereby overruled.

The Reports and Recommendations, Documents 29 and 36, are hereby **ADOPTED** and **AFFIRMED**. Plaintiff's October 24, 2014 motion for declaratory and injunctive relief (doc. 12) and motion for a civil protection order (doc. 13) are hereby **DENIED**. Defendant Bunting's motion to dismiss is hereby **DENIED**.

Plaintiff has also filed another Motion for Court Order to Full Access to the Prison Law Library, which is basically raising the same arguments previously raised in his motion for injunctive relief. (*See* Doc. 40). Defendants have responded that Plaintiff is not entitled to injunctive relief and that the library sign-in sheets actually demonstrate that Plaintiff is being granted access to the library. The Court agrees with Defendants that Plaintiff has been given access to the prison law library and therefore his motion for an order for such relief is denied. Plaintiff shall continue to seek and be given access to the prison law library in accordance with the rules of the institution where he is currently incarcerated.

The Clerk shall remove Documents 12, 13, 22, 29, 36, and 40 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT